REMARKS

The undersigned wishes to thank Examiner Sotelo for the courtesy of a telephone interview. During the telephone interview, the distinctive features were distinguished over the applied Johnson reference. Tentative agreement was reached with respect to the amendments to the claims now in the case subject to further searching by Examiner Sotelo.

THE REJECTION

Claims 1, 3 and 4 stand rejected under 35 U.S.C. 102(b) as being anticipated by Johnson. Claim 2 which is dependent upon claim 1 has been objected to but would otherwise be allowable if rewritten in independent form. Based upon the amendment to the claims contained in this response, along with the arguments set forth hereinbelow, it is submitted that these rejections and objection are thereby overcome.

THE INVENTION

The invention as more clearly defined in the amended claims now in the case is directed to a low sun angle sunshade which is adapted for attachment and support on a bimini top or a t-top or other similar support structure positioned overhead of an occupant or operator of the vehicle. The device includes a rigid frame having at least a rigid elongated upper frame member or a perimeter frame member either of which are pivotally connectable to a generally horizontal side or edge margin of the overhead t-top or bimini top and further includes an elongated shade panel formed of opaque material supported on the frame member. Pivotal connectors are provided between the upper frame member and the rigid side or end margin of the bimini top or t-top about a longitudinal axis which is parallel to or passes coaxially through the upper frame member, the lower distal margin of the shade panel or perimeter frame being substantially unsupported. The

shade panel is thus pivotally movable about the longitudinal pivotal axis between a deployed downward position to shield the eyes of the operator from low and horizon sun and a stored position wherein the shade panel is doubled over and positioned against the bimini top or t-top.

JOHNSON DISTINGUISHED

The Johnson reference teaches a boat cockpit enclosure having an elongated shade panel **40** and spaced pivotal connectors **32** which serve to releasably attach the downwardly hanging shade panel **40**. Because the shade panel **40** is substantially flexible and otherwise unsupported except along the side margins of the elevated covering over the cockpit of the boat, the lower edge of the shade panel must be weighted to maintain contact with the surface of the watercraft.

It is presumed that the pivotal movement of the enclosure **40** of Johnson is in the form of the flexure of the enclosure **40** about the spaced connectors **32** and that there is in essence no true pivotal connection other than the twist locking of each of the pivotal connectors to hold the enclosure **40** in place. Moreover, the Johnson enclosure does not disclose any form of separate rigid frame structure or a perimeter frame as now claimed with respect to the present invention. Further, the lower distal margin of the Johnson enclosure **40** is not free and unsupported but rather is dependent for its deployed positioning against the vessel upon an elongated weight member **48** or **50** which is wrapped in place along the lower distal margin of the enclosure **40**.

It is submitted that this case and the claims now contained herein are in condition for allowance and same is respectfully requested. However, if Examiner Sotelo finds any remaining issues, he is requested to contact the undersigned by telephone before issuing

any further office action in an attempt to resolve those issues.

Respectfully submitted,

Charles J. Prescott
Reg. No. 30,316
Charles J. Prescott, P.A.
2033 Wood Street, Suite 115
Sarasota, Florida 34237
(941) 957-4208

CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing is being deposited in the U.S. mail, first class postage paid, addressed to the Honorable Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, this July 15, 2004.

Charles J. Prescott